

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

**SHAWN CAPEHART,
Plaintiff,**

Civil Action No. 7:18-cv-00496

v.

**SHERIFF BILLY OVERTON, et al,
Defendant(s),**

MEMORANDUM OPINION

**By: Norman K. Moon
Senior United States District Judge**

Plaintiff, proceeding pro se, filed a civil rights complaint, pursuant to 42 U.S.C. §1983. By Order entered October 11, 2018, the court directed plaintiff to submit in writing plaintiff's new address for any transfer or release. On December 26, 2018 an Order (Dkt. No. 10) transferring the case to the undersigned was returned as undeliverable with no forwarding address. Plaintiff was advised that a failure to comply would result in dismissal of this action without prejudice.

Accordingly, the court dismisses the action without prejudice and strikes the case from the active docket of the court. Plaintiff may refile the claims in a separate action once plaintiff is prepared to comply with the noted conditions.

The Clerk is directed to send a copy of this Memorandum Opinion and accompanying Order to plaintiff at the last known address.

ENTER: This 3rd day of January, 2019.



NORMAN K. MOON
SENIOR UNITED STATES DISTRICT JUDGE